

UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION

IN RE:

GLEND A FAY E GODFREY,

Debtor,

GREATER ROME BANK,

Movant,

VS.

GLEND A FAY E GODFREY, Debtor and  
TRACEY L. MONTZ, Chapter 7 Trustee,

Respondents.

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CHAPTER 7  
CASE NO. 04-40563MGD

(HONORABLE MARY GRACE DIEHL)

**MOTION FOR APPROVAL OF AGREEMENT TO TERMINATE THE STAY  
PROVIDED FOR IN 11 U.S.C. §362 AND ENTRY OF CONSENT ORDER**

Comes now Greater Rome Bank, a secured creditor and party-in-interest in the above-styled bankruptcy case, and files this Motion pursuant to Bankruptcy Rule 4001(d) and respectfully represents the following:

1.

Attached hereto as Exhibit "A" is a copy of a Consent Order terminating the automatic stay of 11 U.S.C. §362 and all other stays and injunctions and granting Greater Rome Bank such other relief, which has been entered into by counsel for Movant and Respondents, specifically including the Chapter 7 Trustee.

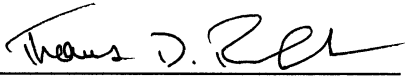
2.

This motion and the attached proposed Consent Order will be served on the Debtor, Debtor's attorney and Chapter 7 Trustee.

WHEREFORE, Greater Rome Bank prays that the original of the proposed Consent Order

attached hereto as Exhibit "A" be entered by the Court and that Greater Rome Bank have such other and further relief to which it may be entitled.

BRINSON, ASKEW, BERRY,  
SEIGLER, RICHARDSON & DAVIS, LLP

BY: 

THOMAS D. RICHARDSON  
Georgia Bar Number 604313  
Attorneys for Greater Rome Bank

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**UNITED STATES BANKRUPTCY COURT  
NORTHERN DISTRICT OF GEORGIA  
ROME DIVISION**

**IN RE:**

**GLENDAY FAYE GODFREY,**

**Debtor,**

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**GREATER ROME BANK,**

**Movant,**

**VS.**

**GLENDAY FAYE GODFREY, Debtor and  
TRACEY L. MONTZ, Chapter 7 Trustee,**

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**CHAPTER 7  
CASE NO. 04-40563MGD**

**(HONORABLE MARY GRACE DIEHL)**

**CONSENT ORDER**

IT APPEARING to the Court the parties agree that: GLENDAY FAYE GODFREY ("Debtor") filed a voluntary petition under Chapter 7 of the Bankruptcy Code on February 9, 2004; that Greater Rome Bank asserts a claim against the Debtor having a payoff balance of \$24,878.83 as of March 10, 2004, and asserts a valid, binding and perfected first priority security interest in the Debtor's 1983 Fleetwood Mobile Home No. TNFL1AD422607140 and one (1) acre lot located at 65 County Road 40, Centre, Alabama ("Collateral"); that the Debtor desires to surrender whatever interest she has in and to the Collateral to Greater Rome Bank; that the Debtor and Chapter 7 Trustee consent to the relief herein granted; and that the Chapter 7 Trustee abandons her interest in the Collateral;

NOW, THEREFORE, IT IS HEREBY ORDERED that the automatic stay of 11 U.S.C. §362 as well as any and all other stays or injunctions shall be and are hereby vacated, and Greater Rome Bank may proceed to foreclose its interest in the referenced Collateral and/or to take such actions against said Collateral as are necessary to recover thereon pursuant to state law and the contract documents entered into by the parties;

**EXHIBIT A**

IT IS FURTHER HEREBY ORDERED that the provisions of Rule 4001(a)(3) of the Federal Rules of Bankruptcy Procedure are not applicable to this Order; and

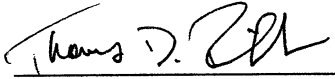
IT IS FURTHER ORDERED that should the Collateral be foreclosed upon by Greater Rome Bank, and said foreclosure results in a surplus over and above the secured indebtedness due to Greater Rome Bank, including any expenses and reasonable attorney's fees incurred by Greater Rome Bank, Greater Rome Bank shall report such surplus to the Bankruptcy Trustee, if any.


IT IS SO ORDERED this \_\_\_\_ day of \_\_\_\_\_, 2004.

\_\_\_\_\_  
HONORABLE MARY GRACE DIEHL  
Judge, U. S. Bankruptcy Court


Prepared and presented by:

No opposition by:

  
\_\_\_\_\_  
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Attorney for Greater Rome Bank

  
\_\_\_\_\_  
TRACEY L. MONTZ  
Suite 200 C - #406  
2100 Roswell Road  
Marietta, GA 30062-3813  
(404) 713-6472  
Chapter 7 Trustee

Consented to by:

  
\_\_\_\_\_  
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Attorney for Debtor

**DISTRIBUTION LIST**

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Tracey L. Montz  
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2100 Roswell Road  
Marietta, GA 30062-3813

**CERTIFICATE OF SERVICE**

I, Thomas D. Richardson, of Brinson, Askew, Berry, Seigler, Richardson & Davis, LLP, do hereby certify that I am counsel for Greater Rome Bank and that I have this day served a copy of **Motion for Approval of Agreement to Terminate the Stay Provided for in 11 U.S.C. §362 and Entry of Consent Order** by U. S. Mail in properly addressed postage pre-paid envelopes as follows:

Glenda Faye Godfrey  
P. O. Box 155  
Cave Spring, GA 30124

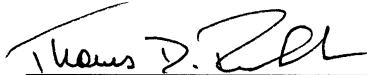
Office of the U. S. Trustee  
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James R. McKay, Esquire  
P. O. Box 6063  
Rome, GA 30162-6063

Tracey L. Montz  
Chapter 7 Trustee  
Suite 200C - #406  
2100 Roswell Road  
Marietta, GA 30062-3813

This 19<sup>th</sup> day of March, 2004.

BRINSON, ASKEW, BERRY, SEIGLER,  
RICHARDSON & DAVIS, LLP



THOMAS D. RICHARDSON  
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